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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,354	09/30/2003	Akira Yamanoue	031736	4037

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EXAMINER

TOLEDO, FERNANDO L

ART UNIT PAPER NUMBER

2823

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,354

Applicant(s)

YAMANOUE ET AL.

Examiner

Fernando L. Toledo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031201.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Eklund (U. S. patent 5,506,158 A).

3. In re claim 1, Eklund discloses, in the U. S. patent 5,506,158 A; figures 1 – 2G and related text, forming a semiconductor film 29 over a semiconductor substrate 12; implanting a dopant into a first region of the semiconductor film where a resistance element is to be formed, a second region of the semiconductor film where a gate electrode is to be formed being not implanted with the dopant (Figure 2D); and patterning the semiconductor film to form the resistance element of the semiconductor film with dopant implanted and the gate electrode of the semiconductor film with the dopant not implanted (Figure 2F).

4. In re claim 2, Eklund discloses, further comprising, after the step of forming a gate electrode, the step of implanting a dopant into the gate electrode (Figure 2G).

5. In re claim 3, Eklund discloses in the step of implanting the dopant into the gate electrode, the dopant is implanted into the semiconductor substrate on both sides of the gate electrode to form a dopant diffused region 52 or 54.

6. In re claims 4 and 5, Eklund discloses, in the step of forming the gate electrode, a first gate electrode and a second gate electrode are formed, and in the step of implanting the dopant

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into the gate electrode, a first conduction type dopant is implanted into the first gate electrode, and a second conduction type is implanted into the second gate electrode (Figure 2G).

7. In re claims 6 – 8, Eklund discloses, in the step of implanting dopant into the semiconductor film, the dopant is implanted into several regions of the prescribed region in concentrations different from each other to form several resistance elements of resistance values different from each other (Figure 2E).

8. In re claims 9 – 11, Eklund discloses, forming an insulation film 28 for covering the gate electrode and the resistance element; and etching the insulation film to leave the insulation film on the resistance element and form a sidewall insulation film on the sidewall of the gate electrode (Figure 2G).

9. In re claims 12 and 13, Eklund discloses, further comprising, after the step of forming the sidewall insulation film, the step of forming a metal film on the semiconductor substrate with the gate electrode formed on, performing thermal processing to silicide the metal film to thereby form a silicide film 56 on the gate electrode and the semiconductor substrate on both sides of the gate electrode (Figure 1).

10. In re claims 14 – 16, Eklund teaches wherein in the step of implanting the dopant into the semiconductor film, the dopant is implanted at a $1 \times 10^{15} \text{ cm}^{-2}$ dose or above (column 4, Lines 1 – 3).

11. In re claims 17 – 19, Eklund discloses, in the step of forming the semiconductor film, the semiconductor film is formed of polysilicon or amorphous silicon (Column 3, Line 56).

Response to Arguments

12. Applicant's arguments filed 13 August 2004 have been fully considered but they are not persuasive for the following reasons.

13. Applicant argues that the gate of Eklund is doped at the same time as the resistive element and hence it teaches a materially different method. Examiner respectfully submits that Eklund does not implant with the dopant of the resistor gate 40 on region 68 in figure 2G. The gates are doped at the same time that the source and drain regions are formed. Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See *also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fernando L. Toledo whose telephone number is 571-272-1867. The examiner can normally be reached on Mon-Thu 7am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FToledo
27 October 2004



George Fourson
Primary Examiner
Art Unit 2823